

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GILES W. WITHERSPOON,	:	CIVIL NO: 1:12-CV-00253
	:	
Petitioner,	:	(Judge Caldwell)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
<i>et al.</i> ,	:	
	:	
Respondents	:	

REPORT AND RECOMMENDATION

The petitioner, a prisoner at the State Correctional Institution at Waymart, filed this 28 U.S.C. § 2254 petition on February 9, 2012. The petitioner was convicted in the Court of Common Pleas of Delaware County.

A 28 U.S.C. § 2254 petition may be brought in the federal judicial district in which the state court of the conviction is located and, when the prisoner is confined in a prison located in another federal district in the same state as the state of conviction, the petition may be brought in the

district of confinement. The district court for the district in which the petition is filed may transfer the petition to the district court for the district of the conviction when to do so is in the interest of justice. 28 U.S.C. § 2241(d).

The petitioner is a prisoner at the State Correctional Institution at Waymart, which is in this district. He was convicted in Delaware County, which is in the Eastern District of Pennsylvania.

It will be in the interest of justice to transfer this petition to the United States District Court for the Eastern District of Pennsylvania. The United States District Courts for Pennsylvania's three federal judicial districts have customarily transferred these petitions to the district of conviction. This custom achieves a desirable uniformity of approach among the three districts in the matter of exercising jurisdiction in these cases, and serves the interests of the litigants in those cases where hearings are required.

Therefore, it is recommended that this case be transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 2241(d).

/s/ J. Andrew Smyser
J. Andrew Smyser
Magistrate Judge

Dated: February 10, 2012.